SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1907.

No. 265.

GEORGE FOUNIS, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ALABAMA.

FILED FEBRUARY 1, 1908.

(16,483.)

(16,483.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 298.

GEORGE POUNDS, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ALABAMA.

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1 UNITED STATES OF AMERICA,
Northern District of Alabama.

September Term, 1895.

Pleas had at a regular term of the district court of the United States for the southern division of the northern district of Alabama, begun and held at the United States court-room, in the city of Birmingham, in said division of said district, the first Monday of September, it being the second day thereof, in the year of our Lord one thousand eight hundred and ninety-five, and of the Independence of the United States of America the one hundred and twentieth year.

No judge being present, the court was opened by the marshal according to law.

Present: V. Lee Cowart, assistant U. S. attorney; J. C. Musgrove, U. S. marshal, and N. W. Trimble, clerk.

The following order, being received from the judge, was duly read in open court, to wit:

"Judges' Chambers, United States District Court, Middle District of Alabama.

IN CHAMBERS, MONTGOMERY, ALA., *July 16th*, 1895.

John Bruce, judge.

Ordered, that the circuit and district courts of the United States for the southern division of the northern district of Alabama be, and the same are hereby, adjourned from Monday, the 2nd day of September, 1895, to Monday, the 16th day of September, 1895, and parties, witnesses, and jurors need not appear in said courts before that date, September 16th, 1895.

(S'g'd) JOHN BRUCE, *Judge.*

Filed September 2nd, 1895.

(S'g'd) N. W. TRIMBLE, *Clerk.*

2 Thereupon court was adjourned until Monday, September 16th, 1895, at 12 m.

MONDAY MORNING, *September 16th*, 1895.

Court met pursuant to adjournment.

Present: The Hon. John Bruce, district judge, presiding; Emmet O'Neal, U. S. district attorney: J. C. Musgrove, U. S. marshal, and N. W. Trimble, clerk.

The grand jury as organized, sworn, and charged is as follows, to wit: Chambers M. McAdory, foreman; Fletcher W. Box, T. K. Wright, Reuben Lewis, John H. Keith, Isaac Wharton, J. W. Crowder, Chas. Stollenwerck, A. B. Hamlett, J. B. Graham, R. B. Posey, A. W. Latham, G. C. Gowdy, Jefferies Beount, Wm. A. Harvey, J. R. Miller, John F. Gardner.

THURSDAY MORNING, *September 26th*, 1895.

Court met pursuant to adjournment.

Present: Hon. John Bruce, district judge, presiding; Lee Cowart, assistant U. S. attorney; J. C. Musgrove, U. S. marshal, by J. McKee Gould, deputy, and N. W. Trimble, clerk.

Order for Clerk to File and Enter Indictments.

It was ordered by the court that the clerk file and enter upon the dockets of the court the indictments this day presented, and, in obedience to the order of the court, the said indictments were
3 entered as follows:

UNITED STATES
vs.
GEORGE POUNDS. } No. 870. Illicit Distilling.

4 *Indictment.*

UNITED STATES OF AMERICA:

In the District Court of the United States for the Southern Division of the Northern District of Alabama, September Term, 1895.

The grand jurors of the United States, elected, empaneled, sworn and charged to enquire for the body of the southern division of the northern district of Alabama upon their oaths present: that on the 1st day of July A. D. 1895, in the said southern division of the northern district before the finding of this indictment, and within the jurisdiction of said court, in the county of Cleburne George Pounds did unlawfully have in his possession and custody, and under his control, a still and distilling apparatus set up without having the same registered as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States. And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did carry on the business of a distiller without having given bond as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States. And the grand jurors aforesaid, upon their oaths *af* aforesaid, do further present that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did engage in and carry on the business of a distiller, with intent to defraud the United States of the tax on the spirits distilled by him, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

5 The grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds who was engaged in carrying on the business of a distiller, defrauded, or attempted to

defraud, the United States of the tax on the spirits distilled by him, or of a part thereof, contrary to the form of the statute in such case made and provived, and against the peace and dignity of the United States.

The grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid the said George Pounds unlawfully did remove and aid and abet in the removal of distilled spirits on which the tax had not been paid, to a place other than the distillery warehouse provided by law, contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States.

The grand jurors aforesaid upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did conceal and aid in the concealment of distilled spirits on which the tax had not been paid, which said spirits had been removed to a place other than the distillery warehouse provided by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did remove and aid and abet in the removal of distilled spirits from a ware-
6 house for distilled spirits authorized by law, in a manner other than provided by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

The grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did conceal and aid in the concealment of distilled spirits, which had been removed from a warehouse for distilled spirits authorized by law, in a manner other than is provided by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did work in a distillery upon which no sign bearing the words "registered distillery" was placed and kept as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully and knowingly did carry and convey to wit: ten gallons or distilled spirits from a distillery on which no sign bearing the words of a "registered distillery" was placed and kept as required by law, contrary to the form of the statute in such case made and provided, and against the peace and diginity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do

further present, that at the time and place and within the
7 jurisdiction aforesaid, the said George Pounds unlawfully and knowingly did carry and deliver grain, molasses and other raw material to a distillery on which no sign bearing the words "registered distillery" was placed and kept as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds unlawfully did make or ferment mash, wort or wash fit for distillation or for the production of spirits, or alcohol, in a building or on premises other than a distillery duly authorized according to law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds not being an authorized distiller, did by distillation or other process separate the alcoholic spirits from fermented mash, wort or wash, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place and within the jurisdiction aforesaid, the said George Pounds without rectifying purifying and refining distilled spirits, did by mixing such spirits, wine, or other liquor with other material, manufacture a spurious imitation or compound liquor for sale under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine spirits, or some other name to the grand jury unknown, without having first paid the
8 special tax as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present, that at the time and place aforesaid, and within the jurisdiction aforesaid, the said George Pounds unlawfully did carry on the business of a retail liquor dealer without having first paid the special tax as required by law, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States.

EMMET O'NEAL,
United States Attorney.

9 (Endorsed:) Witnesses: J. F. Creen, J. W. Barker, J. A. Barker, S. C. Zaner. We, the jury, find the defendant guilty as charged in the 6th count of the indictment. John R. Rockett, foreman.

10 Further endorsed: In the U. S. district court. No. 870. United States *vs.* George Pounds. Sec. 3258. Violating revenue laws. A true bill. Chambers McAdory, foreman of grand jury. Filed in open court this 26th day of September, 1895. N. W. Trimble, clerk.

11 THURSDAY MORNING, *March 12th*, 1896.

Court met pursuant to adjournment.

Present: The Hon. John Bruce, judge, presiding; Emmet O'Neal, United States attorney; Lee Cowart, assistant district attorney; J. C. Musgrove, U. S. marshal, and N. W. Trimble, clerk.

UNITED STATES
vs.
GEORGE POUNDS. } 870. Illicit Distilling.

For good cause shown to the court, it is ordered that this cause be, and the same is hereby, reset for Monday next, March 16th.

12 WEDNESDAY MORNING, *March 18th*, 1896.

Court met pursuant to adjournment.

Present: The Hon. John Bruce, district judge, presiding; Emmet O'Neal, Esqr., V. Lee Cowart, assistant U. S. attorney; J. C. Musgrove, U. S. marshal, and N. W. Trimble, clerk.

UNITED STATES
vs.
GEORGE POUNDS. } No. 870. Illicit Distilling.

Upon motion of defendant, it is ordered by the court that this cause be, and the same is hereby, continued until the next term of court.

13 UNITED STATES OF AMERICA:

Northern District of Alabama, Southern Division, September Term, 1896.

Pleas had at a regular term of the district court of the United States for the southern division of the northern district of Alabama, begun and held at the United States court-room, in the city of Birmingham, in said division of the said district, the first Monday of September, it being the seventh day thereof, in the year of our Lord one thousand eight hundred and ninety-six, and of the Independence of the United States of America the one hundred and twenty-first year.

Present: Hon. Emmet O'Neal, U. S. attorney; Lee Cowart, Esqr., assistant U. S. att'y; J. C. Musgrove, U. S. marshal, by his deputy, Robert Barber; N. W. Trimble, clerk, and E. T. Broadway, chief deputy clerk.

After the court had been regularly opened by Robert Barber, deputy marshal, the following order, which had been received from the district judge, Hon. John Bruce, was read and filed in open court, to wit:

Ordered that the circuit and district courts of the United States for the southern division of the northern district of Alabama be,

and the same are hereby, adjourned from the first Monday of September, 1896, to the Monday, November 23, 1896.

July 13th, 1896.

(S'g'd) JOHN BRUCE, *Judge.*

Endorsed: Filed in open court this the 7th day of September, 1896. N. W. Trimble, clerk.

Thereupon court adjourned until Monday, the 23 day of November, 1896, at 12 m.

14 SATURDAY MORNING, *November 28th*, 1896.

Court met pursuant to adjournment.

Present: The Hon. Aleck Boarman, judge of the district courts of the United States for the western district of Louisiana, sitting and presiding under the order of designation and appointment by the circuit judge; Emmet O'Neal, Esqr., U. S. attorney; V. Lee Cowart, assistant U. S. attorney; J. C. Musgrove, U. S. marshal, and N. W. Trimble, clerk.

UNITED STATES *vs.* GEORGE POUNDS. } No. 870. Illicit Distilling.

Comes the United States, by district attorney, and also comes the defendant, by his attorneys and in his own proper person, and after being duly arraigned upon the indictment filed herein against him, and after having heard the same read over to him pleads not guilty.

Thereupon, to try the issues joined, comes a jury of good and lawful men, to wit, John R. Rockett and eleven others, who were duly elected, tried, and sworn upon their oaths to try the issues herein joined, and a true verdict to render according to the evidence and the law as it may be given to them by the court.

UNITED STATES *vs.* GEORGE POUNDS. } No. 870. Illicit Distilling.

In this cause, the jury being about to retire and it being now a late hour at night, it is agreed to by counsel for both parties, in open court and in the presence of the defendant, that the jury trying this cause may, through their foreman, write their ver-
15 dict upon the back of the indictment filed herein, put the same into an envelope, and after sealing the same to address and deliver it to the clerk of the court to be opened Monday morning in open court, and it is hereby so ordered.

UNITED STATES *vs.* GEORGE POUNDS. } No. 870. Illicit Distilling.

Ordered by the court that the marshal do furnish supper to the jury trying this cause, and that the expense therefor be paid by the

said marshal out of any funds available in his hands for that purpose.

Ordered by the court that this court do remain in recess until the rendition of a sealed verdict in the case No. 870, of The United States *vs.* George Pounds, as heretofore directed.

UNITED STATES
vs.
GEORGE POUNDS. } No. 870. Illicit Distilling.

Ordered by the court that the defendant herein be taken into custody by the m-rshal and committed to await the rendition and opening of the sealed verdict as heretofore directed.

UNITED STATES
vs.
GEORGE POUNDS. } No. 870. Illicit Distilling.

Comes the jury in this cause and renders a sealed verdict in this cause in a manner as directed by an order of the court heretofore made in said cause.

16 MONDAY MORNING, *November 30th*, 1896.

UNITED STATES
vs.
GEORGE POUNDS. } No. 870. Illicit Distilling.

The jury trying this cause having rendered a sealed verdict in the cause as directed by a former order of court made herein, and the defendant being present in open court, it is ordered that the said verdict be opened and published, which is accordingly done in the presence of said defendant and the jury trying said cause. The same reads as follows, to wit:

"We, the jury, find the defendant guilty as charged in the 6th count of the indictment.

JOHN R. ROCKETT, *Foreman.*"

UNITED STATES
vs.
GEORGE POUNDS. } 870. Illicit Distilling.

Ordered by the court that the defendant herein be remanded to the custody of the marshal and committed to await the judgment and sentence of the court to be pronounced upon him.

17 *Motion in Arrest of Judgment.*

UNITED STATES
vs.
GEORGE POUNDS. }

Now comes the defendant after the rendition of the verdict of the jury finding him guilty as charged in the 6th count of the indict-

ment and before judgment and sentence, and moves the court to arrest the judgment in this case, upon the ground that the said sixth count of the indictment is too vague and uncertain to authorize a judgment and sentence against the defendant.

W. H. SMITH,
Attorney for Defendants.

18 Endorsed: No. 870. United States *vs.* George Pounds. Motion in arrest of judgment. Filed December 14, 1896. N. W. Trimble, clerk.

19 *Amendment to Motion in Arrest of Judgment.*

UNITED STATES
vs.
GEORGE POUNDS.

By leave of the court first had and obtained the defendant amends his motion in arrest of judgment by adding the following grounds:

1st. The said 6th count of the indictment fails to show that there was a warehouse provided by law to which the spirits alleged to have been concealed should have been removed.

2nd. That the jury separated before the verdict of the jury was returned into court.

W. H. SMITH,
Attorney for Defendant.

20 Endorsed: No. 870. United States *vs.* George Pounds. Amendment to motion in arrest of judgment. Filed December 16th, 1896. N. W. Trimble, clerk.

21 *Submission of Motion in Arrest of Judgment.*

MONDAY MORNING, *December 14th*, 1896.

Court met pursuant to adjournment.

Present: The Hon. Aleck Boarman, judge of the district court of the United States for the western district of Louisiana, sitting and presiding under the order of designation and appointment by the circuit judge; Hon. Emmet O'Neal, U. S. attorney; V. Lee Cowart, Esqr., assistant U. S. attorney; J. C. Musgrove, Esqr., U. S. marshal, by his chief office deputy, J. McKee Gould, and N. W. Trimble, clerk.

UNITED STATES
vs.
GEORGE POUNDS. } No. 870. Illicit Distilling.

This cause coming on to be heard upon the defendant's motion in arrest of judgment, and after being argued by counsel *pro* and *con.*, was submitted to the court for its consideration.

Order Overruling Motion in Arrest of Judgment.

SATURDAY MORNING, *December 19th*, 1896.

In this cause, the motion of the defendant, as amended, in arrest of judgment having heretofore been argued and submitted, it is now, after due consideration thereof, ordered by the court that the said motion be, and the same is hereby, overruled.

22 *Sentence and Judgment.*

SATURDAY MORNING, *December 19th*, 1896.

UNITED STATES *vs.* GEORGE POUNDS. } No. 870. Illicit Distilling.

The defendant herein having on a former day of this court been convicted, and he being now present in open court, and upon being asked by the court if he has anything to say why the judgment and sentence of the court should not be pronounced upon him says nothing, it is therefore ordered by the court that the said defendant, George Pounds, be imprisoned in the common jail of Jefferson county for the period of six months, to be computed and commenced from November 30th, 1896, and that he pay a fine of one hundred dollars and the costs of this prosecution, for which execution may issue.

UNITED STATES *vs.* GEORGE POUNDS. } 870. Illicit Distilling.

Upon motion of the defendant's attorney, it is ordered by the court that the supersedeas bond in this cause be, and the same is hereby, fixed in the amount of $2,000.00, two thousand dollars.

23 *Defendant's Bill of Exceptions.*

Be it remembered that the cause of The United States *vs.* George Pounds coming on to be heard in the district court of the United States for the southern division of the northern district of Alabama, Hon. Aleck Boarman, district judge, present and presiding, the following proceedings, among other things, not otherwise appearing of record, were had, to wit:

After the rendition of the verdict of guilty, as shown by the record, and before the judgment and sentence, the defendant moved the court in arrest of judgment upon the grounds set out in the motion filed December 14th, 1896, and the amendment thereto filed December 16th, 1896; which motion and amendment are hereby referred to and made a part of this bill of exceptions.

Upon the hearing of said motion, which was prior to the judgment and sentence, the court overruled the said motion as amended,

and the defendant then and there duly excepted to such ruling and action of the court in overruling said motion.

Signed and seal- this 23 day of December in open court and made a part of the record in said cause.

ALECK BOARMAN, *Judge.*

24 Endorsed: No. 870. United States *vs.* George Pounds. Defendant's bill of exceptions. Filed December 23rd, 1896. N. W. Trimble, clerk.

25 *Petition for Writ of Error and Assignment of Error.*

To the Hon. Aleck Boarman, judge:

Your petitioner, George Pounds, respectfully shows that he was convicted at the present term of the court of concealing spirits which had been removed to a place other than the warehouse provided by law, and that he has an exception reserved to the ruling of the court upon motion in arrest of judgment. Wherefore he prays that a writ of error be allowed him, transferring the cause to the Supreme Court of the United States, that the said Supreme Court may review the action of this court, and petitioner assigns as error the ruling of the court in overruling petitioner's motion in arrest of judgment.

GEORGE POUNDS.
W. H. SMITH, *Attorney.*

Allowed.

26 Endorsed: No. 870. The United States *vs.* George Pounds. Petition for writ of error and assignment of error. Filed in open court this the 23rd day of December, 1896. N. W. Trimble, clerk.

27 *Writ of Error.*

UNITED STATES OF AMERICA:

The President of the United States to the honorable the judge of the district court of the United States for the northern district of Alabama, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said district court, before you or some of you, between The United States of America and George Pounds, a manifest error hath happened, to the great damage of the said George Pounds, as by his complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you may have the same at Washington, D. C., on the 3rd Monday of January, 1897, in the said Supreme Court of the United States, to

be then and there held, *and*, the record and proceedings aforesaid being inspected, the said Supreme Court of the United States may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States *d*hould be done.

28 Witness the Hon. Melville W. Fuller, Chief Justice of the said Supreme Court, the 23rd day of December, in the year of our Lord one thousand eight hundred and ninety-six.

[SEAL.] N. W. TRIMBLE,
Clerk of the U. S. Circuit Court, Nor. District of Ala., Sou. Div.

Allowed by—
ALECK BOARMAN, *Judge.*

A true copy.
[SEAL.] N. W. TRIMBLE, *Clerk.*

29 Endorsed: No. 870. Writ of error. Filed December 23, 1896. N. W. Trimble, clerk.

30 UNITED STATES OF AMERICA:

The President of the United States, Greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States, to be holden at Washington, D. C., on the 3rd Monday of January, 1897, pursuant to a writ of error filed in the clerk's office of the district court of the United States for the southern division of the northern district of Alabama, wherein George Pounds is plaintiff in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected and why speedy justice should not be done *in* the parties in that behalf.

Witness the Honorable Aleck Boarman, presiding as judge of the district court of the United States for northern dist. of Alabama, this 23 day of December, in the year of our Lord one thousand eight hundred and ninety-six.

ALECK BOARMAN, *Judge.*

31 Endorsed: I hereby accept service of the within citation and copy thereof this day received. December 31, 1896. Emmet O'Neal, U. S. attorney, by Lee Cowart, ass't dist. attorney.

32 Further endorsed: No. 870. Citation. Filed December 31, 1896. N. W. Trimble, clerk.

33 *Bail Bond on Writ of Error.*

U. S. District Court, Northern District Alabama, Southern Division.

Know all men by these presents that we, George H. Pounds, as principal, and A. A. Pounds and J. W. A. Deese, A. M. Turner,

T. M. Deese, and J. I. Burgess, as sureties, are held and firmly bound unto the United States of America for the sum of two thousand dollars; for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this the 28th day of December, in the year one thousand eight hundred and ninety-six.

The condition of this obligation is such that whereas, on the 19th day of December, anno Domini 1896, by the consideration of the district court of the said United States for the northern district of Alabama, southern division, in a certain criminal cause, to wit, a certain indictment against the above-named George H. Pounds for concealing spirits for which the tax had not been paid, removed to a place other than the distillery warehouse provided by law, being criminal cause number 870 in the court, the said George Pounds was tried by jury and found guilty of the offense charged in said indictment in said cause, and was thereupon adjudged and sentenced to imprisonment for a term of six months in jail, in the State of Alabama;

And whereas, upon petition of the said George H. Pounds, the Hon. Aleck Boarman, district judge of the said United States, who held said term of said court at which such conviction was had in the northern district of Alabama, at Birmingham, within his district, has allowed a writ of error from the Supreme Court of the United States to the said district court upon the judgment and sentence aforesaid, and has ordered that such writ of error operate as *to* stay to proceedings under the said judgment and sentence; and whereas the said George H. Pounds has sued out such writ of error, and which has been issued accordingly, and upon which a citation has been issued and served upon the United States, and the said George H. Pounds has, by order of the Honorable Aleck Boarman, who held said term of the said district court, been admitted to bail pending said writ of error in the sum of $2,000:

Now, if the said George H. Pounds shall be and personally appear before the said district court on the first day of the next regular term thereof, to be held at the United States court-house, at Birmingham, in said southern division of the said district, on the first Monday of March next, and from day to day thereafter during that and subsequent terms until the determination of the said writ of error, and shall not, at any of the terms of said district court, depart the court without leave thereof (shall prosecute his writ of error with effect and without delay), and shall, in case the judgment and sentence aforesaid is affirmed, surrender himself to the custody of the marshal of the said United States for the northern district of Alabama aforesaid, and abide by the judgment and orders of the court, and, if the said Supreme Court of the United States shall reverse the judgment and sentence of the said district court, he shall appear in

said district court until discharged by law, then this obligation shall be void; otherwise remain in full force and effect.

A. A. POUNDS. [L. S.]
J. W. A. DEESE. "
A. M. TURNER. "
T. M. DEESE. "
J. I. BURGESS. "

35 I, J. W. A. Deese, as surety on the annexed bond, being duly sworn, *dep* depose and say that I am worth in real estate in the northern district of Alabama the amount of one thousand dollars over and above all just debts and liabilities and legal exceptions under the constitution and laws of the State of Alabama.

I further state that I am not indemnified from liability by the accused or by any one else to sign this bond, but I sign the same without indemnity or collateral security of any kind or character.

J. W. A. DEESE.

Subscribed and sworn to before me this 28th day of December, 1896.

C. M. COGGIN,
Notary Public. [SEAL.]

[SEAL.]

I, A. M. Turner, a surety on the annexed bond, being duly sworn, *depe* depose and say that I am worth in real estate in the northern district of Alabama the amount of five hundred dollars over and above all just debts and liabilities and legal exceptions under the constitution and laws of the State of Alabama.

I further state that I am not indemnified from liability by the accused or by any one else to sign this bond, but I sign the same without indemnity or collateral security of any kind or character.

A. M. TURNER.

Subscribed and sworn to before me this 28th day of December, 1896.

[SEAL.]

C. M. COGGIN,
Notary Public.

36 I, A. A. Pounds, a surety on the annexed bond, being duly sworn, depose and say that I am worth in real estate in the northern district of Alabama the amount of two thousand dollars over and above all just debts and liabilities and legal exceptions *und* under the constitution and laws of the State of Alabama.

I further state that I am not indemnified from liability by the accused or by any one else to sign this bond, but I sign the same without indemnity or collateral security of any kind or character.

A. A. POUNDS.

Subscribed and sworn to before me this 28th day of December, 1896.

[SEAL.]

C. M. COGGIN,
Notary Public.

I, J. I. Burgess, a surety on the annexed bond, being duly sworn, depose and say that I am worth in real estate in the northern district of Alabama the amount of two thousand dollars over and above all my just debts and liabilities and legal exceptions under the constitution and laws of the State of Alabama.

I further state that I am not indemnified from liability by the accused or by any one else to sign this bond, but I sign the same without indemnity or collateral security of any kind or character.

J. I. BURGESS.

Subscribed and sworn to before me this 28th day of December, 1896.

[SEAL.]

C. M. COGGIN,
Notary Public.

Approved December 30th, 1896.

ALECK BOARMAN, *Judge.*

37 Endorsed: No. 870. The United States *vs.* George Pounds. Bail bond pending writ of error. Filed 31 day of December, 1896. N. W. Trimble, clerk.

38 I, N. W. Trimble, clerk of the district court of the United States for the southern division of the northern district of Alabama, hereby certify the foregoing pages, numbered 1 to 37, inclusive, to be a full, true, complete, and correct transcript of the record and proceedings in the case of The United States *versus* George Pounds, lately pending and determined in the said district court, as the same now appears of record and on file in my office.

In witness whereof I hereunto subscribe my name and cause the seal of the said district court to be affixed this the 16th day of January, A. D. 1897.

[Seal District Court U. S., N. D. of Ala., Sou. Div.]

N. W. TRIMBLE,
Clerk U. S. District Court, Nor. Dist. of Ala., Sou. Div.

39 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judge of the district court of the United States for the northern district of Alabama, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said district court, before you or some of you, between The United States of America and George Pounds, a manifest error hath happened, to the great damage of the

said George Pounds, as by his complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, D. C., on the 3d Monday of January, 1897, in the said Supreme Court of the United States to be then and there held, *and*, the record and proceedings aforesaid being inspected, the said Supreme Court of the United States may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Seal Circuit Court U. S., N. D. of Ala., Sou. Div.

Witness the Honorable Melville W. Fuller, Chief Justice of the said Supreme Court, the 23rd day of December, in the year of our Lord one thousand eight hundred and ninety-six.

N. W. TRIMBLE,
Clerk of the U. S. Circuit Court, Nor. Dist. of Alabama, Southern Division.

Allowed by—
ALECK BOARMAN, *Judge.*

[Endorsed:] Geo. Pounds, pl'ff in error, *vs.* The United States, d'f't in error. Writ of error.

40 UNITED STATES OF AMERICA, *ss:*

The President of the United States to The United States of America, Greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States, to be holden at Washington, D. C., on the 3d Monday of January, 1897, pursuant to a writ of error filed in the clerk's office of the district court of the United States for the southern division of the northern district of Alabama, wherein George Pounds is plaintiff in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Aleck Boarman, presiding as judge of the district court of the United States for the northern district of Alabama, this 23rd day of December, in the year of our Lord one thousand eight hundred and ninety-six.

ALECK BOARMAN, *Judge.*

41 [Endorsed:] Geo. Pounds, pl'ff in error, *vs.* The United States, d'f't in error. Citation. Filed Dec'r 31, 1896. N. W. Trimble, clerk.

I hereby accept service of the within citation, & copy thereof this day received.
December 31, 1896.

EMMET O'NEAL,
U. S. Attorney,
By LEE COWART,
Ass't U. S. Attorney.

42 [Endorsed:] No. —. U. S. Supreme Court. George Pounds, pl'ff in error, *vs.* The United States, d'f't in error.

Endorsed on cover: Case No. 16,483. N. Alabama D. C. U. S. Term No., 298. George Pounds, plaintiff in error, *vs.* The United States. Filed February 1, 1897.